

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ELIJAH G. THOMAS,

Plaintiff,

-vs-

Case No. 15-CV-348

**BRANDEE MORRIS, RYAN WALDINSCHMIDT,
MARY STEBURG, DONNA HARRIS,
and ERIC GROSS,**

Defendants.

DECISION AND ORDER

On May 11, 2016, defendants Gross, Harris, and Morris filed a motion for summary judgment. (ECF No. 24.) Court records indicate that copies of the motion and supporting brief were mailed to the plaintiff at 457 Thomas Street, Fond du Lac, Wisconsin, 54935, on May 11, 2016. (ECF No. 24-1.) Under the applicable procedural rules, the plaintiff's response to that motion should have been filed on or before June 10, 2016.

In addition, on May 11, 2016, defendants Steburg and Waldinschmidt filed a motion for summary judgment. (ECF No. 35.) Court records indicate that copies of the motion and supporting brief were mailed to the plaintiff at 186 East Johnson Street, Apt. 1, Fond du Lac, Wisconsin, 54935. (ECF No. 36.) Under the applicable procedure rules, the plaintiff's response to that motion should have been filed on or before June 10, 2016.

Briefing schedules are set forth in Civil Local Rules 7 and 56 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court. Court records show that the plaintiff did not file any response to the defendants' motion. In addition, the plaintiff has not kept the parties or the Court informed of his current address, as required.¹ Therefore,

IT IS ORDERED that this action be dismissed with prejudice for lack of prosecution effective **July 15, 2016**, pursuant to Civil Local Rule 41(c) (E.D. Wis.) (copy enclosed) and Federal Rule of Civil Procedure 41(b), unless prior to that date the plaintiff responds to the defendants' motions or establishes just cause for his failure to respond to said motions as required.

Dated at Milwaukee, Wisconsin, this 20th day of June, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge

¹ The plaintiff was confined at the Fond du Lac County Jail when he filed this lawsuit. At some point, he was released to 457 Thomas Street, Fond du Lac, Wisconsin, 54935. Wisconsin Department of Corrections online records reveal that the plaintiff now resides at 186 E. Johnson Street, Apt. 1, Fond du Lac, Wisconsin, 54935. The plaintiff did not notify the Court of his new address(es).

Civil Local Rule 41(c)
Dismissal for Lack of Diligence

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, and Civil L. R. 41(a) or (b) does not apply, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.